IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1429 OF 2005
IN
APPEAL FROM ORDER NO.761 OF 2005

Nancy Ramchandani & Anr. ..Applicants.

V/s.

The Chief Manager, Union Bank of India & Ors. ..Respondents.

Mr.Rubia Tareja i/b J. Narula & Ors. for applicants.

Mr.Ashok Patel for respondent No.4.

CORAM: A.M.KHANWILKAR,J
DATE : FEBRUARY 10, 2006.

P.C. :

1. Heard counsel for the applicants. Inspite of service, except respondent No.4, none has appeared before this court. By order dated 1st February, 2006, the Court directed to serve Mrs.Dolly Scruwalla, wife of respondent No.7. Affidavit of service has been filed to the effect that Mrs.Dolly Scruwalla, who was joint signatory of the respondent No.7, has been duly served. However, none appears for Mrs. Dolly Scruwalla.

2. Respondent No.4 appears in person and opposes this application on the argument that the applicants cannot be entrusted with the responsibility of signing cheque to disburse the payment to watchmen,

electricity bills and other outgoings of the society. According to him, there are incidents when the applicants have been found having misused the funds including by paying salary to their personal staff from the accounts of the society. The above grievance made by the respondent No.4 is only across the bar. Nothing has been stated on affidavit. No supporting document has been placed before me.

3. In my opinion, in the interest of all concerned, the application will have to be allowed in terms of prayer clause (a) and (b) on condition that the applicants shall make the required payment to concerned persons only by cheque noting the name of the recipient. Besides, the applicants shall submit periodical statements of all transaction effected by them from time to time before the trial court. Applicants on making such payment shall forthwith comply with the directions given in order dated 12th September, 2005 (paragraph-3) to be notified to members, informing of disbursal made within seven days from such disbursement.

4. In case of any default committed by the applicants, that will give rise to cause of action to the respondents or any other member of the society to

initiate contempt proceedings against the applicants.

Application disposed of on the above terms.